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9
10 UNITED STATES DISTRICT COURT
11 EASTERN DISTRICT OF WASHINGTON
12

13 UNITED STATES OF AMERICA,
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16 Plaintiff,
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18 vs.
19

20 JERROD JUSTIN HALE,
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22 Defendant.
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No. 4:21-CR-06008-SMJ-3

NOTICE OF PRELIMINARY
ORDER OF FORFEITURE

24 TO: Jack Lowery Powell
25

26 1. DATE OF NOTICE: April 15, 2022
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28 2. PETITION DEADLINE: May 15, 2022

3. PRELIMINARY ORDER OF FORFEITURE: The Preliminary Order of
Forfeiture having been entered on January 11, 2022 (ECF No. 181), the United States
hereby gives notice of its intention to dispose of the property described in the
Preliminary Order of Forfeiture in such a manner as the United States Attorney General
may direct.

1 4. FILING AN ANCILLARY PETITION: Any persons or entities, other
2 than the Defendants or an agent of the Defendants, having or claiming a legal right, title
3 or interest in the aforementioned property may petition the United States District Court
4 for the Eastern District of Washington, no later than the petition deadline stated in this
5 notice, for a hearing to adjudicate the validity of his/her alleged interest in the property
6 pursuant to Fed. R. Crim. P. 32.2, and 21 U.S.C. § 853(n). If a hearing is requested, it
7 shall be held before the Court alone, without a jury. Petitioners will bear the burden of
8 proof in all such cases. Petitions that fail to allege an interest sufficient to maintain a
9 claim under § 853(n) shall be subject to dismissal without a hearing.
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11 5. CONTENTS OF THE ANCILLARY PETITION: The petition shall be
12 signed by the petitioner under penalty of perjury and shall identify the particular
13 property or properties in which the petitioner claims a legal right, title or interest; the
14 nature and extent of the such right, title or interest in each property; the time and
15 circumstances of the petitioner's acquisition of the right, title and interest in each
16 property; and any additional facts and documents supporting the petitioner's claim and
17 the relief sought. *See* 21 U.S.C. § 853(n)(3) and Fed. R. Crim. P. 32.2. Corporate
18 persons may only file claims if represented by counsel.
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20 6. FILING WITH THE COURT AND SERVICE ON THE UNITED
21 STATES: All such petitions must be filed with the Office of the Clerk, United States
22 District Court for the Eastern District of Washington, West 920 Riverside, Spokane,
23 Washington, 99201, (P.O. Box 1493, Spokane, Washington, 99210-1493), and a copy
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1 served on the government attorneys, Assistant United States Attorneys, Brian M.
2 Donovan and Stephanie Van Marter, at P.O. Box 1494, Spokane, Washington
3 99210-1494.
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5 7. ANCILLARY HEARING: A hearing on the petition shall, to the extent
6 practicable and consistent with the interests of justice, be held within thirty (30) days
7 of the filing of the petition. The Court may consolidate the hearing on the petition
8 with a hearing on any other petition filed by a person other than any of the
9 defendant(s) named above. The petitioner may testify and present evidence and
10 witnesses on his/her own behalf and cross-examine witnesses who appear at the
11 hearing.
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14 8. PETITIONS FOR REMISSION OR MITIGATION: The government
15 may also consider granting petitions for remission or mitigation, which pardon all or
16 part of the property from the forfeiture. A petition must include a description of your
17 interest in the property supported by documentation; include any facts you believe
18 justify the return of the property; and be signed under oath, subject to the penalty of
19 perjury, or meet the requirements of an unsworn statement under penalty of perjury.
20
21 *See* 28 U.S.C. Section 1746. For the regulations pertaining to remission or mitigation
22 of the forfeiture, see 28 C.F.R. Sections 9.1 - 9.9. The criteria for remission of the
23 forfeiture are found at 28 C.F.R. Section 9.5(a). The criteria for mitigation of the
24 forfeiture are found at 28 C.F.R. Section 9.5(b). The petition for remission need not be
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1 made in any particular form and may be filed online or in writing. *See* 28 C.F.R.

2 Section 9.3(a).

3 The <https://www.forfeiture.gov/FilingPetition.htm> website provides access to a
4 standard petition for remission form that may be mailed and the link to file a petition
5 for remission online. If you cannot find the desired assets online, you must file your
6 petition for remission in writing by sending it to Assistant United States Attorneys Brian
7 M. Donovan and Earl A. Hicks, 920 W. RIVERSIDE AVE., ROOM 300, P.O. BOX
8 1494, SPOKANE, WA 99210-1494. This website provides answers to frequently asked
9 questions (FAQs) about filing a petition for remission. You may file both an ancillary
10 petition with the court and a petition for remission or mitigation
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14 **If you fail to file a petition to assert your right, title or interest in the**
15 **above-described property, by the date indicated on this direct notice, your right,**
16 **title and interest in this property shall be lost and forfeited to the United States.**
17 **The United States then shall have clear title to the property described in the**
18 **Preliminary Order of Forfeiture and may warrant good title to any subsequent**
19 **purchaser or transferee.**
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22 Vanessa R. Waldref
23 United States Attorney

24 *s/ Stephanie Van Marter*
25 Stephanie Van Marter
26 Assistant United States Attorney
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